



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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Arnold Schwarzenegger
Governor

**NOTICE OF PETITION FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF 598 ACRE-FEET OF WATER
TO THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT
UNDER NATOMAS CENTRAL MUTUAL WATER COMPANY'S
LICENSE 1050 (APPLICATION 534)**

Notice is hereby given that on February 29, 2008

Natomas Central Mutual Water Company
c/o Dee Swearingen, General Manager
2601 West Elkhorn Boulevard
Rio Linda, CA 95673

filed with the State Water Resources Control Board (State Water Board), a Petition for Temporary Change under Water Code section 1725, et seq. If approved, the Sacramento Regional County Sanitation District's (SRCSD) Lower Northwest Interceptor (LNWI), a sanitary sewer pipeline, would be temporarily added to the authorized place of use under Natomas Central Mutual Water Company's (NCMWC) License 1050 (Application 534). The proposed temporary change would facilitate the transfer of up to 598 acre-feet (af) of water for testing and flushing of the LNWI from the date of approval of this petition through October 1, 2008.

BACKGROUND

SRCSD operates the Sacramento Regional Wastewater Treatment Plant (SRWTP) located in Elk Grove, CA and provides sanitary sewer service to a large portion of the greater metropolitan Sacramento area. SRCSD is expanding its sanitary sewer service area to provide service to portions of northern Sacramento County (including the Natomas area) and West Sacramento, requiring construction of the LNWI. The LNWI is an approximately 20-mile-long, 5 to 10-foot-diameter, sanitary sewer pipeline which extends from Natomas south through West Sacramento and then trends east across the Sacramento River, terminating at the SRWTP. Further information regarding the LNWI project is available for viewing online at www.lowernorthwest.com.

Normal pipeline operations require testing and flushing flows delivered at the LNWI intake. The LNWI's intake is located within Reclamation District 1000's (RD1000) East Drainage Canal, just northwest of the Interstate 5 and Interstate 80 interchange in northern Sacramento County and within NCMWC's service area. NCMWC holds several water rights with the State Water Board and water supply contracts with the United States Bureau of Reclamation (USBR) which authorize it to divert water from the Sacramento River for agricultural and municipal and industrial purposes within its service area. Additionally, some parties located within NCMWC's service area

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discharge return flows generated from groundwater pumping. During the irrigation season, NCMWC's service area is a closed system with respect to the Sacramento River. Water in NCMWC's service area includes return flows generated from groundwater pumping and return flows from water diverted under NCMWC's water rights. This petition for temporary change was submitted to facilitate the delivery of this water (during the irrigation season) to the LNWI under NCMWC's License 1050.

DESCRIPTION OF THE TRANSFER

NCMWC proposes to deliver up to 598 af of water to the SRCSD for industrial use (testing and flushing) within the LNWI from the date of approval of this petition through October 1, 2008. Water would be pumped from RD1000's East Drainage Canal into the LNWI and used for testing and flushing throughout the length of the pipeline. Once used to test or flush the LNWI, the transfer water would be treated at the SRWTP and discharged to the Sacramento River as a small portion of the SRWTP's effluent. A map showing the location of the LNWI is available for viewing on the Division's website at www.waterrights.ca.gov, Water Transfer Program, Notices of Transfers and Temporary Urgency Actions. Table 1, below, shows the monthly amounts, monthly average diversion rate in cubic feet per second (cfs), and maximum 24-hour average diversion rate in cfs for each month during the proposed transfer period.

Table 1

Month	Amount (af)	Average Rate (cfs)	Maximum Rate (cfs)
April	92	1.55	23.2
May	92	1.55	23.2
June	92	1.55	23.2
July	138	2.32	23.2
August	92	1.55	23.2
September	92	1.55	23.2

Legend: Amount = monthly volume of water
Average Rate = 30-day average diversion rate
Maximum Rate = maximum 24-hour average diversion rate

Under normal operations, NCMWC uses water diverted under License 1050 for irrigation. Between the years 2004 and 2007, estimated annual evapo-transpiration (ET) for the NCMWC service area has averaged 54,687 af. In 2007 the estimated annual ET was 46,482 af. Due to similar cropping patterns, NCMWC anticipates that the annual ET for 2008 will be similar to 2007. NCMWC's petition states that the difference between its estimated annual ET for 2008 and its average annual ET for the years 2004 through 2007 is approximately 8,205 af. NCMWC's petition states that a

small portion of this reduced water demand will be used to supply the LNWI pursuant to this proposed temporary change.

PROPOSED TEMPORARY CHANGE

The proposed temporary change would temporarily add the LNWI to the authorized place of use under License 1050. Industrial use (testing and flushing) would be temporarily added as an authorized purposed of use under License 1050.

PETITIONER'S WATER RIGHTS

License 1050 authorizes NCMWC to directly divert up to 42 cfs from April 1 through October 1 of each year for irrigation use within the entire NCMWC's service area, and municipal and industrial use within Sacramento Metropolitan Airport and its Special Planning Area only. License 1050 authorizes direct diversion from four permanent points on the Sacramento River and two permanent points on the Natomas Cross Canal. A map showing the locations of the authorized points of diversion and the location of the authorized place of use under License 1050 is available for viewing on the Division's website at www.waterrights.ca.gov, Water Transfer Program, Notices of Transfers and Temporary Urgency Actions.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involve only water that would otherwise have been consumptively used, stored, or conserved pursuant to Water Code section 1011, by licensee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENT

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary change of water rights. Any person may file comments concerning the petition for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commenters should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division (if necessary) may request that the petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at www.waterrights.ca.gov, Water Transfer Program, Notices of Transfers and Temporary Urgency Actions. Potential commenters are strongly urged to check the website for such information prior to filing a comment.

Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, at the first address listed below by **2:00 p.m. on April 14, 2008**. Additionally, a copy of the comments must be filed with the NCMWC. **Comments must be accompanied by proof of service of a separate copy of the materials on the petitioner.** Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. An original copy of all materials, however, must be received for the State Water Board to consider your comments.

Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

Natomas Central Mutual Water Company
c/o Dee Swearingen, General Manager
2601 West Elkhorn Boulevard
Rio Linda, CA 95673
FAX: (916) 419-8691

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or transferee should be addressed to Robert C. Wagner, P.E., at (916) 441-6850.

Original signed by

Leslie F. Grober, Chief
Hearings and Special Projects Section

Dated: March 14, 2008